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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : STAN SCHALL, JR.

Serial No. : 09/310,965

Examiner: J. Yu

Filed : May 13, 1999

Group Art Unit: 3764

For : EXERCISE APPARATUS

REQUEST FOR RECONSIDERATION AND WITHDRAWAL OF FINALITY

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

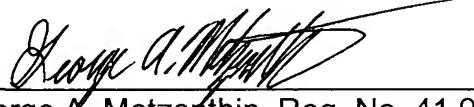
Applicant respectfully requests that the finality of the September 14, 2001 Office Action be withdrawn as being premature. See MPEP §706.07(d). The basis for this request is that claim 15 was rejected based on new art.

Claim 15 in the July 9, 2001 Amendment was amended to include the elements recited in independent claim 6 from which it depended. See July 9, 2001 Amendment, p. 9. Thus, claim 15 did not change in scope or in the recited elements. The original rejection of claim 15 was under 35 U.S.C. §102(b) as allegedly being anticipated by Bonewitz (U.S. Pat. No. 3,100,639). The new rejection of claim 15 is under 35 U.S.C. §102(b) as allegedly being anticipated by Anber (U.S. Pat. No. 3,593,994) in view of Bonewitz. The basis in the new Office Action is different from that relied upon in the first Office Action.

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In view of the above, it courteously is requested that the finality of the September 14, 2001 Office Action be withdrawn.

Respectfully submitted,
CAHN & SAMUELS, L.L.P.

By: 
George A. Metzerthin, Reg. No. 41,995
2000 P St., NW, Ste. 200
Washington, D.C. 20036
Telephone: (202) 331-8777
Fax: (202) 331-3838

September 28, 2001